

Senate Study Bill 2252

Conference Committee Text

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1 1 Section 1. Section 236.5, subsection 5, Code Supplement
1 2 1995, is amended to read as follows:
1 3 5. A

~~certified~~

- copy of any order or approved consent

1 4 agreement shall be issued to the plaintiff, the defendant and
1 5 the county sheriff having jurisdiction to enforce the order or
1 6 consent agreement, and the twenty-four hour dispatcher for the
1 7 county sheriff. Any subsequent amendment or revocation of an
1 8 order or consent agreement shall be forwarded by the clerk to
1 9 all individuals and the county sheriff previously notified.
1 10 The clerk shall notify the county sheriff and the twenty-four
1 11 hour dispatcher for the county sheriff in writing so that the
1 12 county sheriff and the county sheriff's dispatcher receive
1 13 written notice within six hours of filing the order, approved
1 14 consent agreement, amendment, or revocation. The clerk may
1 15 fulfill this requirement by sending the notice by facsimile or
1 16 other electronic transmission which reproduces the notice in
1 17 writing within six hours of filing the order. The county
1 18 sheriff's dispatcher shall notify all law enforcement agencies
1 19 having jurisdiction over the matter and the twenty-four hour
1 20 dispatcher for the law enforcement agencies upon notification
1 21 by the clerk.

~~The clerk shall send or deliver a written copy~~

1 22

~~of any such document to the law enforcement agencies and the~~

1 23

~~twenty four hour dispatcher within twenty four hours of filing~~

1 24

~~the document.~~

1 25 Sec. 2. Section [602.8103](#), subsection 2, Code 1995, is
1 26 amended to read as follows:

1 27 2. Reproduce original records of the court by any
1 28 reasonably permanent legible means including, but not limited
1 29 to, reproduction by photographing, photostating, microfilming,
1 30

~~and~~

- computer cards, and electronic digital format. The
1 31 reproduction shall include proper indexing. The reproduced
1 32 record has the same authenticity as the original record. The
1 33 supreme court shall adopt rules to provide for continued
1 34 evaluation of the accessibility of records stored or
1 35 reproduced in electronic digital format.

2 1 Sec. 3. Section 602.8103, subsection 4, paragraph c, Code
2 2 1995, is amended to read as follows:

2 3 c. Records, dockets, and court files of civil and criminal

2 4 actions heard in the municipal court which were transferred to
2 5 the clerk, other than juvenile and adoption proceedings, or
2 6 heard in justice of the peace proceedings, after a period of
2 7 twenty years from the date of filing of the actions.

2 8 Sec. 4. Section [602.8103](#), subsection 4, Code 1995, is
2 9 amended by adding the following new paragraph:

2 10 NEW PARAGRAPH. j. Court reporters' notes and certified
2 11 transcripts of those notes in mental health hearings under
2 12 section 229.12 and substance abuse hearings under section
2 13 125.82, ninety days after respondent has been discharged from
2 14 involuntary custody.

2 15 EXPLANATION

2 16 This bill provides that copies of orders entered in civil
2 17 domestic abuse cases can be distributed without the copies
2 18 being certified. The bill also eliminates the requirement
2 19 that the clerk of court deliver a written copy of these orders
2 20 to all law enforcement agencies, and their 24-hour dispatcher,
2 21 having jurisdiction over the matter. The clerk is still
2 22 required to electronically notify the county sheriff and the
2 23 sheriff's 24-hour dispatcher in writing.

2 24 The bill also provides for the inclusion of electronic
2 25 digital formatting to the list of authorized methods of
2 26 reproducing court records. The supreme court is required to
2 27 adopt rules to monitor the accessibility of these electronic
2 28 records.

2 29 The bill also permits the clerks of court to dispose of
2 30 justice of the peace records and to dispose of court reporter
2 31 notes and transcripts for mental health and substance abuse
2 32 proceedings.

2 33 BACKGROUND STATEMENT

2 34 SUBMITTED BY THE AGENCY

2 35 The purpose of this bill is to help reduce the workload of
3 1 the clerks of court, to cut down on the amount of paper
3 2 generated, to allow the courts to take advantage of imaging
3 3 technology for reproducing records, and to help reduce the
3 4 number of old records kept by the courts.

3 5 Section 1 relates to copies of orders entered in civil
3 6 domestic abuse cases. The first change allows distribution of
3 7 copies that are not certified. Certification of orders takes
3 8 a lot of time. Time and effort will be saved if the
3 9 certification requirement is eliminated.

3 10 The second change cuts down on the number of copies sent to
3 11 law enforcement. Currently, the clerk is required to send
3 12 written copy within 24 hours of filing to all applicable law
3 13 enforcement agencies and the 24-hour dispatcher. This can be
3 14 a cumbersome job because in some areas many law enforcement
3 15 agencies have jurisdiction. As a practical manner, all law
3 16 enforcement agencies must call the 24-hour dispatcher to
3 17 confirm if a protection order is filed. Therefore, it would
3 18 make sense to have the clerk only be responsible for sending
3 19 copies to the county sheriff and the 24-hour dispatcher.

3 20 Section 2 would add electronic disc imaging to the list of
3 21 authorized methods of reproducing court records. The
3 22 requirement for rules to evaluate and monitor accessibility is
3 23 to ensure continued access to imaged documents in the event
3 24 imaging is no longer viable as technology changes.

3 25 The section 3 amendment would allow the clerks of court to
3 26 dispose of the old justice and the peace records as they do
3 27 with old municipal court records.

3 28 Section 4 authorizes the destruction of court reporters'
3 29 notes and transcripts for mental health and substance abuse
3 30 proceedings which are no longer active cases.

3 31 LSB 3371DP 76

3 32 ec/cf/24